

JAMES P. HURLEY
HURLEY & LARA
Attorney for Debtors
411 North 2nd Street
Yakima WA 98901

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re)	NO. 07-04079
)	
LARRY OLSON and KIM L. OLSON,)	
fdba LOCKARD RANCHES, INC.,)	FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW
Debtors.)	RELATING TO THE CONFIRMATION
)	OF CHAPTER 11 PLAN

THIS MATTER having come for hearing on July 2, 2008, at 1:30 P.M. by telephone, the Debtors being present and represented by JAMES P. HURLEY, the U.S. Trustee being represented by GARY DYER, the Internal Revenue Service being represented by ROLF TANGVALD, the Farm Service Agency of the U.S. Department of Agriculture being represented by FRANK A. WILSON, and Northwest Farm Credit Services being represented by THOMAS T. BASSETT, and the Court having considered all objections filed in this matter and the argument of counsel, and the testimony of Kim Olson, the Court now makes the following:

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

-1-

HURLEY & LARA
Attorneys at Law
411 North 2nd Street
Yakima, WA 98901
(509)248-4282

1 **FINDINGS OF FACT**

2 1.

3
4 The Debtor provided Notice of Hearing on Confirmation of Small Business, Chapter 11
5 Plan of Reorganization and Disclosure, Time for Objecting to Disclosure, Information or Plan,
6 Time for Filing Ballots and for Objection to Granting of Discharge on March 7, 2008.
7

8 2.

9 The Court finds that the Notice was adequate and appropriate under the circumstances.
10

11 3.

12 Debtors filed a Report of Balloting on April 11, 2008, demonstrating that Classes III, VIII
13 and IX voted to accept the Plan, and that Classes II and IV voted to reject the Plan. The Class
14 II creditor is the Yakima County Treasurer, which holds a first lien on the real and personal
15 property of the Debtors and will be paid from the sale of Debtors' assets in full. This creditor
16 shall further be entitled to interest at the statutory rate under Washington State law until paid.
17
18

19 4.

20 The Plan filed by the Debtors on March 4, 2008, under Docket Number 41 and identified
21 as Small Business Chapter 11 Plan of Reorganization With Disclosure, as modified by the
22 terms of the Order of Confirmation, complies with the requirements set forth in 11 U.S.C. §
23 1129(a) and 1129(b).
24
25

26 5.

27 The Plan contemplates the sale of Debtors' non-exempt property, both real and
28
29

30 FINDINGS OF FACT AND
CONCLUSIONS OF LAW

1 personal, to the extent necessary to fully pay all allowed claims. Debtors' Plan specifically
2 provides for the sale of all of the personal property in which the Farm Service Agency holds a
3 security interest, as more fully disclosed in the Stipulation entered into by the Debtors and
4 Farm Service Agency.
5

6
7 5.

8 The Debtors appears to have complied with the Court's Order regarding filing of Federal
9 Tax Returns, and it is contemplated that the Internal Revenue Service will file an Amended
10 Claim within sixty (60) days of the date of the confirmation, or within such other time as the
11 Court may allow upon request.
12

13 Based upon the foregoing, the Court now enters the following:
14

15 **CONCLUSIONS OF LAW**

16 1.

17 The Chapter 11 Plan is modified by these Findings and the Court's Order of
18 Confirmation and meets the requirements of 11 U.S.C. § 1129 and should be confirmed.
19

20 2.

21 The Court retains jurisdiction to resolve the issues regarding the disposition of the
22 Debtors' assets as contemplated by the terms of the Plan.
23

24 3.

25 Nothing in the provisions of Article V regarding execution of the Plan shall relieve the
26 Debtors from its obligation to report to the Court and the U.S. Trustee's Office following
27
28
29

30 FINDINGS OF FACT AND
CONCLUSIONS OF LAW

1 confirmation.

2
3 4.

4 The Court retains jurisdiction as set forth in the Plan to resolve any remaining issues
5 regarding lien claims, their priority , their amount, post-petition tax obligations arising out of the
6 sale of the property and other issues regarding the disposition of Debtors' assets in
7
8 accordance with the Plan.
9

10
11 Presented by:

12
13 s/ James P. Hurley
14 JAMES P. HURLEY WSBA #6615
15 Attorney for Debtors

16 Approved for Entry:

17
18 GARY W. DYER
19 Attorney for U.S. Trustee

20 Approved for Entry:

21
22 ROLF TANGVALD
23 Attorney for the Internal Revenue Service
24
25
26
27
28
29

30 FINDINGS OF FACT AND
CONCLUSIONS OF LAW

-4-

HURLEY & LARA
Attorneys at Law
411 North 2nd Street
Yakima, WA 98901
(509)248-4282

1 Approved for Entry:

2
3 FRANK A. WILSON

4 Attorney for the Farm Service Agency
5 of the U.S. Department of Agriculture

6
7 Approved for Entry:

8
9 THOMAS T. BASSETT

10 Attorney for Northwest Farm Credit Services
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



07/03/2008 03:28:03 PM

-5-

A handwritten signature in black ink, appearing to read "John A. Rossmeissl", is written over a horizontal line.

John A. Rossmeissl
Bankruptcy Judge

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

HURLEY & LARA
Attorneys at Law
411 North 2nd Street
Yakima, WA 98901
(509)248-4282